UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,387	01/18/2000	Leonard H. Lopez, Jr.	1036.1124	3104

7590   03/24/2004

GUNN, LEE & HANOR, P.C.
700 North St. Mary's Street
Suite 1500
San Antonio, TX   78205-3596

EXAMINER
ZURITA, JAMES H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/487,387	LOPEZ, JR., LEONARD H.
	Examiner	Art Unit	
	James H Zurita	3625	ᴜᴜ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*10 December 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 17

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10

December 2003 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 1-24 are rejected under 35 U.S.C. 101 because the disclosed invention is

inoperative and therefore lacks utility.

The claims are directed to a system, but fail to mention program(s) and

executable code embedded in computer-readable medium. The systems claimed are

incapable of work since there are no processors to run any program.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1-20 are reject d under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 5,956,737) in view of Arledge et al. (US 6,535,294).

King discloses methods and system for ordering and producing institutional printed products.

As per claim 1, King discloses:

1.1   **product record** comprising a template that defines placement and typography of plurality of elements. See, for example, at least Fig. 8 and related text. The elements contain information that is obtained from various databases. See at least Col. 8, lines 16-29.

1.2   **informational elements** may include details that define the content for the elements provided by the template (applicant's profile). See, for example, at least Col. 8, line 64-Col. 9, line 17.

1.3   **user interface** (applicant's requestor interface) for entry of an order). See, for example, references to user interface, at least in Col. 8, line 64-Col. 10, line 20. With the user interface, users may select and order products to be printed according to product records. The printed product may include items selected from the various databases.

1.4   **interface** (applicant's processor interface) that permits King's system to generate different forms of intermediate creations that include software code and commands that are used to print a product (applicant's pre-press product). See, for example, at least Fig. 1, and references to application programs, which interface with processor(s) to create final copy according to the specific template. The intermediate creation may be

printed in various media. See, for example, Col. 1, lines 11-58). See also references to

variety of media, including print, electronic, multimedia. See also Col. 7, lines 46-61.

As per claim 1, King ***does not*** specifically refer to

"...automated print order ...for institutional business cards and stationery ...

1.1   "...a company-tailored prototypical ... of informational ...printing on a company-
tailored business card or stationery ...

1.2   ...one or more predeterminable ... for one or more of the informational ...

1.3   ...a requestor ...for entry of a distributed user's print order, said requestor
...being adapted to enable the user to ... a company-tailored business card or stationery
... to be printed according to the company-tailored prototypical ... and a selectable one of
the one or more predeterminable profiles; and

1.4   ...a processor ... for fulfillment of the user's print order, said processor ... being
adapted to directly ... a pre-press ... automatically incorporating said predeterminable ...
into said tailored ...

However, these features appear as nonfunctional descriptive material in the

claim. The specific meaning/interpretation of the data does not patentably distinguish

the claimed system. Further, the recited statements of intended use,

...for institutional business cards and stationery ...
...for one or more of the informational ...
...for entry of a distributed user's print order,
...for fulfillment of the user's print order,
...being adapted to directly...a pre-press...

does not patentably distinguish the claimed system. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to provide any type of

printed products for any type of organization in the system taught by *King* because the

subjective interpretation of the data does not patentably distinguish the claimed

invention.

As per claims 2 and 3, King ***does not*** use the term pre-press product, direct-to-

plate command set (claim 2), or copier command set (claim 3). As per applicant

admissions, pre-press product, direct-to-plate command sets and copier command sets are old and well known to those of ordinary skill in the art at the time of applicant's invention.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to include in King the use of various types of command sets known in the prior art and disclosed by applicant (see at least page 10, lines 1-7; page 10, line 21-page 11, line 8; page 12, lines 10-18; page 16, line 23- page 17, line 15).

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include in King the use of various types of prior art command sets (such as direct-to-plate and copier command sets) for the obvious reason that professional printers may have many different types of printing machines, depending on their specialties. Machines vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. Variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike.

The inclusion of command sets may permit quicker processing of estimates because a printer knows that the data that forms part of the order may already includes some of a printer's own information. This information may allow centralized sites to send information that has already been verified as correct. This may reduce the amount of validation needed at a vendor, thereby reducing turn-around time for an estimate.

Because a printer may provide estimates for orders more quickly than competitors, a printer is more likely to win a company's order, thereby making more money.

As per claim 4, King ***does not*** specifically disclose that a profile comprises user-indicative information. Arledge discloses user profiles with user-indicative information. See for example, Col. 13, line 64-Col. 14, line 44.

As per claim 5, King discloses that the user interface (applicant's requestor interface) is adapted to enable the user to select said company tailored product according to a plurality of profiles. See, for example, references to the name of a business, Fig. 9 and related text, "Bass Products, Inc."

As per claim 6, King discloses that profiles may comprise company-indicative information. See, for example, references to the name of a business, Fig. 9 and related text, "Bass Products, Inc."

As per claims 7-11, King ***does not*** use the term "...purchaser interface..." King discloses that the orders have prices. See, for example, reference to Product Price, in Fig. 4B. King does not provide details of how businesses receive payment, however. Arledge discloses the use of shopping car technology to present a user with lists of all customized printed products being ordered during a user's shopping session. See, for example, at least Col. 16, line 44- Col. 17, line 64. It would have been obvious to one of ordinary skill in the art at the time the invention was made would have been motivated to combine King and Arledge to disclose interfaces through which purchasers interact with an on-line ordering system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine King and Arledge to disclose

interfaces through which purchasers interact with an on-line ordering system for the

obvious reason that to stay in business, businesses usually need to charge money for

their services. A print shop, for example, might need to pay for paper, ink, employees,

taxes and other expenses. In order to make payments, buyers may provide their credit

card numbers, often through interfaces (applicant's purchaser interface) and well known

technologies such as Arledge's shopping carts. Arledge's interfaces can present a final

order summary that includes all items ordered during a shopping session. This provides

shoppers with an enhanced shopping experience, in that the purchaser need not write

down what he ordered. Also, a buyer may decide to add or remove orders for

customized print products, as desired.

As per claim 7, Arledge discloses a purchaser interface for validating the user's

print order, said purchaser interface being adapted to selectively authorize generation of

said pre-press product. See at least Fig. 3 and related text and Col. 21, lines 34-65.

As per claim 8, Arledge discloses a purchaser interface adapted to modify a

profile. In Arledge, see at least Fig. 14 and related text, which shows modifiable data

enterable fields for a profile. See also Fig. 17 and related text and Col. 17, line 16-Col.

18, line 41.

As per claim 9, Arledge discloses a purchaser interface adapted to modify the

user's print order. See, for example, at least Fig. 9 and related text and Col. 15, line 12-

Col. 16, line 44.

As p r claim 10, Arledge discloses that a purchaser interface is adapted to

delete a user's print order. See at least Col. 4, lines 9-34.

As per claim 11, King discloses that a server site may host user interface (applicant's requestor interface) and processor interface. See, for example, references to server and server-side generation of HTML pages and other presentations, at least in Col. 8, lines 16-44. As per claim 11, King *does not* mention a purchaser interface and its location.

As per claim 12, King discloses that the server site may be resident upon the World Wide Web. See, for example, references to the Internet, World Wide Web, HTML, at least in Col. 1, line 27-Col. 2, line 16, Col. 2, line 49-Col. 3, line 15, Col. 2, line 49-Col. 3, line 15, Col. 5, line 50-Col. 6, line 34, Col. 6, line 50-Col. 8, line 14. See also references to server and server-side generation of HTML pages and other presentations, at least in Col. 8, lines 16-44.

As per claim 13, King discloses that the various interfaces (such as a requestor *interface* and a processor *interface)* are accessible from any operable node on the World Wide Web. See, for example, references to the Internet, World Wide Web, HTML, at least in Col. 1, line 27-Col. 2, line 16, Col. 2, line 49-Col. 3, line 15, Col. 2, line 49-Col. 3, line 15, Col. 5, line 50-Col. 6, line 34, Col. 6, line 50-Col. 8, line 14. King *does not* specifically disclose that another interface, which applicant refers to as a "purchaser interface" may also be accessible from any operable node on the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place Arledge's purchaser interface on a server accessible from any operable node on the World Wide Web. One of ordinary skill in the art at the time the invention was made would have been motivated to place Arledge's purchaser

interface on a server accessible from any operable node on the World Wide Web for the

obvious reason that by placing various interfaces on servers accessible from any

operable node on the WWW, customers may access an order system and pay for the

order in a single shopping session, perhaps taking advantage of Arledge's shopping cart

technologies.

As per claims 14 and 15, King does not disclose the use of scripts. King *does*

not specifically disclose that the user interface (applicant's requestor *interface)* further

comprises a *server*-side scripting implementation for increased user-to-*server*

communication efficiency (claim 14). King does not specifically disclose that server-side

scripting implementation comprises a logon security protocol (claim 15). Arledge

discloses login security protocols. See, for example, Fig. 5, Fig. 16, Figs. 27-29 and

related text, which show login security protocols. As per applicant admission, a network

is a group of two or more computer systems linked together; the computers may be

called clients and servers. Ardledge also discloses the use of scripts. See, for

example, at least Col. 8, line 63-Col. 9, line 28, Col. 10, lines 29-48. As applicant

admits, editing and validation may be done on a client (client-side) and on a server

(server-side) of an interface. These and other functions may be executed with scripting

languages. Scripting environments are well known to persons of ordinary skill in the art.

In addition, scripting may be implemented with a server-side scripting language such as

ACTIVE SERVER PAGES, from MICROSOFT. Scripting environments permit

centralized electronic commerce sites to communicate efficiently with their clients, and

to quickly include features into script codes. Security at a server may be done via

executable binary code. Some environments use scripting languages to implement

logon security protocols. See discussion above for use of ASP.

As applicant further admits, scripting languages provide run-time interpretation of

security procedures without the need to maintain separate libraries of executable binary

code. Scripting languages, implemented server-side, permits easier reading of a

program and protocols that are being interpreted when users attempt to access server

components, perhaps according to determined authorization levels.

Therefore, it would have been obvious to one of ordinary skill n the art at the time

the invention was made to combine King and Ardledge to disclose the use of server-

side scripting implementation comprises a logon security protocol. One of ordinary skill

n the art at the time the invention was made would have been motivated to combine

King and Ardledge to disclose that server-side scripting implementation may comprise a

logon security protocol for the obvious reason that by using server-side scripting

implementations of a logon security protocol, a system is able to present a dynamic

"real time" interface to an end-user, to enable an end-user to prepare a customized

printed product without having to install a specific application program on his computer.

As per claim 16-19, King and Arledge *do not* specifically disclose storing an

order in an "...order data table..." and that the order data table may comprise elements

to reference a profile. King and Arledge *do not* specifically disclose storing "...batch

functions..." in a "...batch table..." Arledge discloses the use of databases and

database records to contain information including orders and profiles. See at least Figs.

2-3 and related text, at least Col. 8, line 63-Col. 11, line 18. Arledge also discloses that

his databases include plurality of interconnected and cross-indexable database sources of store information. See, for example, at least Col. 9, line 28-Col. 10, line 28.

As per applicant admission, it was well known to one of ordinary skill in the art at the time the invention was made to store data in relational databases and tables. Data may be categorized in various logical and physical relationships, perhaps according to buyers, print providers, geography and other categories.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine King and Arledge with knowledge generally available to one of ordinary skill in the art at the time the invention was made to place order data into an order data table and batch data into a batch table.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine King and Arledge with knowledge generally available to one of ordinary skill in the art at the time the invention was made to place order data into an order data table and batch data into a batch table for the obvious reason that databases in general require physical and logical design. Numerous well-tested products exist to manage tables and relational systems. Software may include ORABLE, IBM DB2 and others; these relational databases access data via Structured Query Language/SQL. Thus it would have been obvious to one or ordinary skill to use tables and relational databases because they are easy to use and implement. These and other features of relational models allow increased electronic commerce because they are dependable and may be used on many different system platforms. Print providers may have different machines for producing products. The Structured Query Language permits

users to share information in a structured, standardized, harmonious way. Print

providers may be able to continue use the latest machines and still fulfill orders with

older, reliable machines. Money thus saved may be used to invest in other aspects of

their profession, perhaps training and materials. This is good in commerce because

customers often value reliability of their suppliers.

As per claims 16-19, King and Arledge *do not* use the term "batch functions."

Arledge discloses that after a user submits a new order, the new order is docketed in an

order queue (applicant's batch function) for a retailer to process. The orders are

submitted into production and order files are automatically transferred to workflow

management computers (i.e., by applicant's processor interface), as in claim 16. See,

for example, at least Col. 21, lines 15-Coll 22, lines 28. See also at least references to

viewing pending orders, at least Col. 4, lines 9-34, Col. 9, line 28-67.

As per claim 20, King discloses that company tailored product comprises a

business media selected from the group consisting of letterhead; business cards;

envelopes; writing pads; address cards; and mailing labels. See, for example,

references to company letterhead, at least in Col. 45, line 66-Col. 46, line 12. King also

refers to various print products, including reports, newsletters, flyers, memos, white

papers, catalogues. See, for example, at least Col. 7, lines 14-46.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over King et al. (US 5,956,737).

As per claim 21, King discloses:

21.1   computerized representation of a set of printable stationary products. See, for

example, Col. 7, lines 28-46. See also at least Figs. 4A, 4B and related text.

21.2   **templates** corresponding with each stationery product in the set, wherein the

template defines a plurality of common and specific informational elements for printing

on the stationery product and wherein the template also defines the placement and

typographical settings of the informational elements to be printed on the stationery

product, a product record comprising a template that defines placement and typography

of plurality of elements. See, for example, at least Fig. 8 and related text. The

elements contain information that is obtained from various databases. See at least Col.

8, lines 16-29.

21.3   **Content for the elements** needed by the template. The content includes at

least one element that defines a specific organization, such as a company name. See,

for example, at least Col. 8, line 64-Col. 9, line 17.

21.4   **user interface** (applicant's requestor interface) for entry of an order. See, for

example, references to user interface, at least in Col. 8, line 64-Col. 10, line 20. With

the user interface, users may select and order products to be printed according to

product records. The printed product may include items selected from the various

databases. See, for example, Col. 11, line 42-Col. 12, line 62.

21.5   **interfaces** (applicant's *processor interface*) that permit King's system to

generate different forms of intermediate creations that include computer readable

software and code used to create physical printed product as ordered. See, for

example, at least Fig. 1, and references to application programs, which interface with

processor(s) to create final copy according to the specific template. The intermediate

creation may be printed in various media. See, for example, Col. 1, lines 11-58). See

also references to variety of media, including print, electronic, multimedia, at least also

Col. 7, lines 46-61.

> **As per claim 21,** King ***does not*** specifically refer to
>
> "...An automated print order ...for institutional business cards and stationery ..., said automated print order..."
>
> 21.2   ...corresponding with each stationery ... in the set, wherein the ...defines a plurality of common and ... for printing on the stationery ... and wherein the ... also defines the placement and typographical settings of ... to be printed on the stationery ...
>
> 21.3   predefined ... for the common ... of the customized ... including for at least one of the common ... that identifies a specific organization;
>
> 21.4   a requestor ... for entry of a print order by a user associated with the specific organization the ... being adapted to enable the user to select a stationery ... from the set of printable stationery ...the requestor ...being further adapted to enable the user to define or select a ...comprising ... for the specific ... of the customized ... but which denies the user any ability to define or modify one or more of the common informational elements of the customized templates; and
>
> 21.5   a processor ... for fulfillment of the user's print order, said processor ... being adapted to automatically generate a pre-press ...incorporating both the predefined ... for the common ... of the customized ... and ... from the user-defined or user-selected ..."

However, these features appear as nonfunctional descriptive material in the

claim. The specific meaning/interpretation of the data does not patentably distinguish

the claimed system. Further, the recited statements of intended use, such as

> ...for institutional business cards and stationery ...,
>
> ... for printing on the stationery ...,
>
> ...for the common ... of the customized ...
>
> ...for entry of a print order by a user associated with the specific organization the ... being adapted to enable the user to select a stationery ...
>
> ...for the specific ... of the customized ...
>
> ... but which denies the user any ability to define or modify one or more of the common informational elements of the customized templates; and

does not patentably distinguish the claimed system. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to provide any type

of printed products for any type of organization in the system taught by *King* because

the subjective interpretation of the data does not patentably distinguish the claimed

invention.

The examiner also notes that the limitation "...but which denies the user any

ability to define or modify one or more of the common informational elements of the

customized templates..." merely describes inferential activities that are not involved in

an active sense. As such, the language carries little patentable weight.

As per claim 22, King discloses that templates are customized for a business

organization. See, for example, references to the name of a business, Fig. 9 and

related text, "Bass Products, Inc."

As per claim 23, King discloses that one of the common informational elements

comprises a graphical representation of a business organization logo. See, for

example, references to logo, at least Fig. 1a-1c and related text, Col. 8, line 64-Col. 9,

line 17.

As per claim 24, King discloses processor *interface* I(see rejection of claim 21,

above) adapted to process the user's print order by merging the defined or selected

profile with the template of the selected stationery product to automatically generate the

pre-press product. See, for example, Col. 6, line 50-Col. 7, line 45, Col. 11, line 42-Col.

12, line 62.

Response to Amendment

Applicant amended claim 1 and added claims 21-24. Claims 1-24 are pending

and are examined.

Response to Arguments

Applicant's arguments filed 10 December 2003 have been fully considered but

they are not persuasive.

Applicant's arguments with respect to rejections of claims 1-24 over Sevcik have

been considered but are moot in view of the new ground(s) of rejection.

Applicant purports to traverse Examiner's use of definitions.

> The Examiner's office action focused significant attention on dictionary *definitions* of the
> words "profile" and "predeterminable." See OA at 6. The Examiner also noted that certain
> structural elements described and argued in the previous response were not recited in
> the claims. Accordingly, Applicant has amended claim 1 to define minimal content for the
> predeterminable profile and to add the following elements:
>
> Third [sic][1] the Examiner's reliance on definitions and synonyms for the words "produce,"
> "ordered," and "procurement" is improper, particularly when definitions and synonyms are
> selected to contradict what [previous reference] clearly means and teaches in its use of
> those words.' Applicant respectfully submits that the Examiner's combination of dictionary
> definition's and thesaurus terms does not establish a prima facie case of obviousness.

The Examiner respectfully notes that terms of a claim are given their broadest

reasonable interpretation. Applicant has not shown that one of ordinary skill in the art

would not have known about the source of the definitions, BARRONS Dictionary of

Business Terms and MS WORD Thesaurus. Applicant has not shown that the

definitions are incorrect or different from his own use of the terms. Applicant has not

shown that he is his own lexicographer and has redefined a term contrary to its ordinary

meaning.[2] Therefore, applicant's argument is not persuasive.

---

[1] Please note that applicant's first argument concerning *[...previous reference, now moot...]* are moot.
There is no second argument.
[2] Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to
its ordinary meaning, the written description must clearly redefine the claim term and set forth the

Applicants' remaining arguments and comments do not traverse what Examiner

regards as knowledge that would have been generally available to one of ordinary skill

in the art at the time the invention was made. A "traverse" is a denial of an opposing

party's allegations of fact.[3] Even if one were to interpret applicants' arguments and

comments as constituting a traverse, applicants' arguments and comments do not

constitute an <u>adequate traverse</u> because applicant has not specifically pointed out the

supposed errors in the examiner's action, which would include stating why the noticed

fact is not considered to be common knowledge or well-known in the art. 27 CFR

1.104(d)(2), MPEP 707.07(a). An <u>adequate</u> traverse must contain adequate information

or argument to create on its face a reasonable doubt regarding the circumstances

justifying Examiner's notice of what is well known to one of ordinary skill in the art. <u>In re

Boon</u>, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

Again, Applicant has not specifically pointed out supposed errors in the

Examiner's action, which would include stating why the noticed fact is not considered to

be common knowledge or well-known in the art:

> As seen above, Applicant disputes some but not all of these assertions. Applicant
> particularly disputes the Examiner's assertions that the common knowledge possessed
> by those of ordinary skill in the art would have motivated them to modify Sevcik in the
> manner recited in the claims. Amendement B, page 15.

The Examiner respectfully notes that Applicant's arguments concerning

Examiner's use of Official Notice are *not* directed at the facts themselves, but rather at

their combination with Sercik, now moot.

---

uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to
so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52
USPQ2d 1029, 1033 (Fed. Cir. 1999).
[3] Definition of *Traverse,* Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

As previously noted, where applicant does not seasonably traverse the well

known statement during examination, then the object of the well known statement is

taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA

1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known"

Prior Art. The following is a partial list of admitted prior art from Amendment B:

> **(1)** One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include in *[...previous reference...]* the use of various types of prior art command sets (such as direct-to-plate and copier command sets) for the obvious reason that professional printers may have many different types of printing machines, depending on their specialties. OA, at 3 –   This is disputed because, *[...arguments concerning previous reference, now moot...]*.

> **(2)** Pre-press products may be command sets for direct-to-plate systems and for copier systems. OA, at 5 - Agreed.

> **(3)** Pre-press product product may differ depending on the type of system being used to produce a print product. OA, at 5 - Agreed.

> **(4)** One of ordinary skill in the art at the time the invention was made would have known that it is customary to send direct-to-plate command sets to systems that require plates or copier command sets to systems that produce printed products via electronic copiers. OA, at 5 - Agreed that direct-to-plate command sets were known; disputed to the extent that the examiner is suggesting that it is "customary" to incorporate this in every system related to printing.

> **(5)** A profile is a set of data that portrays the significant features of something. OA, at 6 - Agreed.

> **(6)** "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine *[...previous reference...]* and predeterminable profiles." OA, at 13 - Disputed. *[...arguments concerning previous reference, now moot...]*.

> **(7)** "One of ordinary skill in the art at the time the invention was made would have been motivated to combine *[...previous reference...]* and predeterminable profiles for the obvious reason that many companies organize their business according to departments and authorizations of personnel within the company's organizational hierarchy." OA, at 13 - Agreed only to the extent that the Examiner has admitted a long felt but unsolved need - companies have organized their businesses according to departments and authorizations of personnel ever since the invention, around 1440 A.D., of the Gutenburg press. But for the past 560+ years, no one has met that need in the manner claimed. This is evidence of nonobviousness. The Examiner's assertion is otherwise disputed. *[...arguments concerning previous reference, n w moot...]*.

(8) "Only some employees may be authorized to act as purchase agents, for example. Perhaps as required by auditors and accounting rules, individuals may be able to place orders up to certain monetary limits. Individuals may also be authorized to replace a person who has quit or who might be under investigation for embezzlement." OA, at 13 - Point not understood, therefore disputed.[4]

(9) Professional print shops may use different types of machines, perhaps based on their specialties. Some shops may use copiers. Other shops may use machinery with plates. Each environment may accept binary files that contain instructions (i.e., command sets) to the machines. Sets of instructions intended for copiers may be called copier command sets. Instructions intended for plate machines may be referred to as direct-to-plate command sets. OA, at 13-14. - Agreed.

(10)   Machines may vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. Variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike. OA, at 14 – Agreed

(11)   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in *[...previous reference...]* the use of various types of command sets, including copier command sets and direct-to-plate command sets. OA, at 14.- Disputed for the same reasons listed above and also because *[...arguments concerning previous reference, now moot...]*.

(12)   "One of ordinary skill in the art at the time the invention was made would have been motivated to include in *[...previous reference...]* the use of various types of command sets, including copier command sets and direct-to-plate command sets for the obvious reason that a single shop may have many different types of printing machines, depending on their specialties." OA, at 14 - Disputed for the same reasons expressed above. *[...arguments concerning previous reference, now moot...]*.

(13)   "The inclusion of command sets may permit quicker processing of estimates ... and reduce the amount of validation needed at a vendor [to provide] an estimate." OA, at 14 - Disputed. *[...arguments concerning previous reference, now moot...]*.

In the absence of a traverse, the following are also admitted prior art:

•   ...A network is a group of two or more computer systems linked together; the computers may be called clients and servers. Editing and validation may be done on a client (client-side) and on a server (server-side) of an interface. These and other functions may be executed with scripting languages. As disclosed by applicant, scripting environments are *well-known* to persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition, scripting may be implemented with a server-side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT (see application, page 12, lines 13-18). Scripting environments permit centralized electronic commerce sites to communicate efficiently with their clients, and to quickly include features into script codes. OA 4, 6, 13.

•   ...canceling and modifying purchase orders are a normal part of business. Businesses often provide new employees with stationery that contains the new employee's name, phone number,

---

[4] The Examiner notes that applicant fails to provide proper traverse.

title, location. Businesses may also wish to change or cancel standing orders for print products when employees leave. Economic benefits to a central printing system may include lowered customer-service costs. Buyers may reduce their costs by being able to cancel orders at a last minute, thereby reducing printing expenses. OA 4, 6, 13.

- ...databases in general require physical and logical design. Relational databases are *well-known*. Numerous well-tested products exist to manage tables and relational systems. Software may include ORABLE, IBM DB2, and others; these relational databases access data via Structured Query Language/SQL. Thus it would have been obvious to one or ordinary skill to use tables and relational databases because they are easy to use and implement. These and other features of relational models and application allow increased electronic commerce because they are dependable. Increased dependability means that more orders and purchases may be made over networks. OA 4.

- ...inclusion of command sets may permit quicker processing of estimates because a printer knows that the data that forms part of the order may already includes some of a printer's own information. This information may allow centralized sites to send information that has already been verified as correct. This may reduce the amount of validation needed at a vendor, thereby reducing turn-around time for an estimate. Because a printer may provide estimates for orders more quickly than competitors, a printer is more likely to win a company's order, thereby making more money. OA 4, 6, 13.

- ...One of ordinary skill in the art would have been *motivated* to include writing pads and address cards among selections in a catalog for ordering and printing for the obvious reason that they are printed products and are in common use by both companies and individuals. A company may prefer to order most or all its printed products from one central site, rather than spending more time and money by ordering products from multiple sites. Adding these and other print products thereby increases the business of centralized sites, saves time and money, and makes it easier to buy print products. OA 4.

- ...One of the principal components of a relational database is called a table. Categorizing data into order data and batch tables provides both logical and physical consistency for buyers and service providers. OA 4.

- ...professional printers may have many different types of printing machines, depending on their specialties. The machines vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. Variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike. OA 4.

- ...Websites may be accessed from other nodes on the WWW by clicking or otherwise selecting appropriate links. On the WWW, nodes may play roles as both servers and clients. OA 4.

- ...without these tools [WWW tools, including hyperlinks, client/server logical and physical architecture and server-side scripting, login and password and other security protocols] it is extremely difficult to carry out electronic commerce. Using these tools greatly enhances the use of commerce sites, thereby increasing the flow of money and goods and generally improving the economy. OA 4.

- ...a single shop may have many different types of printing machines, depending on their specialties. Machines may vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more

    sophisticated systems on a regular basis. Variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike. OA 13.

- ...An interface is software that enables a program to work with a user. A *user* interface can be a command-line interface, menu-drive interface, or a graphical user interface), with another program such as the operating system, or with a computer's hardware.[5] OA 13.

- ...Data can be stored in relational databases. Relational databases store data in tables. Data may be categorized in various logical and physical relationships, perhaps according to buyers, print providers, geography and other categories. OA 13.

- ...databases in general require physical and logical design. Numerous well-tested products exist to manage tables and relational systems. Software may include ORABLE, IBM DB2 and others; these relational databases access data via Structured Query Language/SQL. Thus it would have been obvious to one or ordinary skill to use tables and relational databases because they are easy to use and implement. These and other features of relational models allow increased electronic commerce because they are dependable and may be used on many different system platforms. Print providers may have different machines for producing products. The Structured Query Language permits users to share information in a structured, standardized, harmonious way. Print providers may be able to continue use the latest machines and still fulfill orders with older, reliable machines. Money thus saved may be used to invest in other aspects of their profession, perhaps training and materials. This is good in commerce because customers often value reliability of their suppliers. OA 13.

- ...it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to adapt a user interface, including a purchaser interface, to include modifying and deleting print orders. OA 13.

- ...many companies organize their business according to departments and authorizations of personnel within the company's organizational hierarchy. Only some employees may be authorized to act as purchase agents, for example. Perhaps as required by auditors and accounting rules, individuals may be able to place orders up to certain monetary limits. Individuals may also be authorized to replace a person who has quit or who might be under investigation for embezzlement. OA 13.

- ...[a] Pre-press product may differ depending on the type of system being used to produce a print product. One of ordinary skill in the art at the time the invention was made would have known that it is customary to send direct-to-plate command sets to systems that require plates. Alternatively, one of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copiers. OA 13.

- ...Procurement is the acquisition of goods (materials, parts, supplies, equipment) required to carry on an enterprise.[6] To *produce*[7] *ordered*[8] products, print providers receive information that is sufficient to create printed products and fulfill the orders. OA 13.

---

[5] Definition of *interface*, MICROSOFT Computer Dictionary.

[6] Definition of *Procurement*, BARRONS Dictionary of Business Terms.

[7] MS WORD Thesaurus (US English) shows the following words as synonyms for "produce": create, make, manufacture, construct, fabricate, bring into being, turn out, generate.

[8] Definition of an *order:* request to buy, sell, deliver or receive goods or services that commits the issuer of the order to the terms specified. BARRONS Dictionary of Business Terms.

- ...scripting languages provide run-time interpretation of security procedures without the need to maintain separate libraries of executable binary code. Scripting languages, implemented server-side, permits easier reading of a program and protocols that are being interpreted when users attempt to access server components, perhaps according to determined authorization levels. OA 13.

- ...Security at a server may be done via executable binary code. Some environments use scripting languages to implement logon security protocols. See discussion above for use of ASP. OA 13.
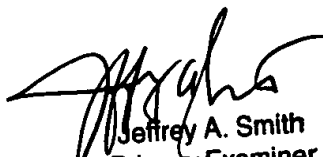
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
18 March 2004

Jeffrey A. Smith
Primary Examiner